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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,390	04/11/2001	C. Richard Triola	CRT044UT	3769

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EXAMINER
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BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/833,390

Applicant(s)

TRIOLA, C. RICHARD

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

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***Response to Arguments***

1. Applicant's arguments, see paper no. 8, filed October 10<sup>th</sup>, 2002, with respect to the final action have been fully considered and are persuasive.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
3. Therefore, applicant's arguments with respect to claims 1-20 of paper no. 6 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin, Jr. et al. (U.S. Patent No. 6,304,860).

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6. As per claims 1, 11, 17, Martin, Jr. et al. teaches an apparatus (*fund allocation methodology*) for real state escrow transactions (*real estate transaction*), comprising a computer based automation system (*networks, fig 2*), having components providing implementation, management, and tracking of escrow transactions, wherein data for implementing, managing, and tracking the escrow transactions is accessible for specific parties to the escrow transactions (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

7. As per claims 2, 12, Martin, Jr. et al. teaches an apparatus which includes program modules distributed between principals and parties to the escrow transactions, providing predetermined party associated data entry and access (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

8. As per claims 3, 13, Martin, Jr. et al. teaches a program modules including security measures providing for a variety of levels for the associated data entry and access to the escrow transactions (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

9. As per claims 4, Martin, Jr. et al. teaches a client-server computer system for escrow of property comprising: at least one client module associated with at least one client party for initiating an escrow process with at least one escrow party, and at least one server module associate with the escrow party, wherein a specific escrow account between the client party and

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the escrow party is established, maintained, tracked, and consummated via the client-server computer system (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

10. As per claims 5, Martin, Jr. et al. teaches a system comprising on-line entry and transmission of escrow initiation, escrow instructions, escrow status tracking, and escrow consummation between the server party and the client party (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

11. As per claims 6, Martin, Jr. et al. teaches a system wherein at least one server module associated with the escrow party further comprising: on-line entry and transmission of service provider data between the server party and at least one service provider (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

12. As per claims 7-10 Martin, Jr. et al. teaches a system comprising computer code providing data security and digital identity authentication for each party, digital tracking for tracking required documentation and transfer of funds or other compensation transfers throughout the escrow process and final closing of the escrow process (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

13. As per claims 14, Martin, Jr. et al. teaches a process for a computerized escrow transaction comprising: providing escrow account, escrow status, broker status, lender status,

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buyer status, seller status, and vendor status via a centralized server associated with an escrow officer; and connecting parties to the computerized escrow transaction using multiple computer network access devices via connectivity types which include but are not limited to wireless, satellite, dial-up, or leased communications (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

14. As per claims 15, Martin, Jr. et al. teaches a system for real-time or near-real-time escrow transactions, comprising: an appropriate data, application, and transactional management network programs and supporting network based applications for performing at least one of the escrow services selected from a group including receiving and storing escrow instructions upon submission by a party to the escrow transaction via a computerized communications device, disseminating instructions to all relevant parties by computer; providing escrow documentation, providing escrow documentation approvals; automating order specified services real-time and near-real-time display of escrow instructions, status, and activity, on-line digital identification authentication; transfer of ownership, closing escrow, releasing of escrow funds; and digital transfer of escrow funds (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

15. As per claims 16, Martin, Jr. et al. teaches a method of doing business using an internet comprising: providing an on-line escrow account for parties to a transaction; providing on-line transactional account management services with respect to the on-line escrow account for the parties; and providing secure access to the on-line escrow account limited to the parties and third

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parties using on-line identification authentication (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

16. As per claims 18, Martin, Jr. et al. teaches a memory wherein the program code allowing escrow transaction data access only for specific parties to the escrow transaction further comprises: program code for identification authentication (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

17. As per claims 19, Martin, Jr. et al. teaches a memory wherein the program code providing implementation, management, tracking, and closing of specific escrow transactions further comprises: program code for digital signatures (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

18. As per claims 20, Martin, Jr. et al. teaches a memory comprising: program code for a method of doing business using an internet, the code including computerized processes for providing an on-line escrow account for parties to a transaction, providing on-line transactional account management services with respect to the on-line escrow account for the parties, and providing secure access to the on-line escrow account limited to the parties and third parties using on-line identification authentication (*see abstract, fig 2, 3, column 4 line 44-59, 5 line 36-61, 10 line 22-56, table 1, column 13 and 14*).

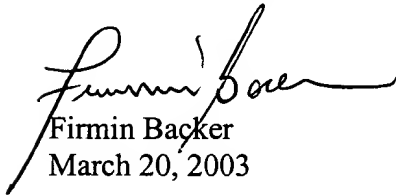
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
Firmin Backer  
March 20, 2003